

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PETER J. MCDANIELS,

Plaintiff,

v.

BELINDA STEWART, et al.,

Defendants.

CASE NO. C15-5943BHS-DWC

ORDER DENYING  
PLAINTIFF'S MOTION FOR  
RECONSIDERATION

This matter comes before the Court on Plaintiff Peter McDaniels's ("McDaniels") motion for reconsideration. Dkt. 175.

On March 7, 2011, the Court adopted the Honorable David W. Christel's Report and Recommendation ("R&R") and denied McDaniels's renewed motion for a preliminary injunction. Dkt. 174. On March 9, 2017, McDaniels moved for reconsideration. Dkt. 175. McDaniels asserts that his religious rights are being violated by Defendants because they refuse to tailor a therapeutic diet program so that it satisfies his religious dietary restrictions, despite the availability of a separate nontherapeutic Halal diet. The Court adopted the R&R over McDaniels's objections, because McDaniels has failed to show a likelihood of irreparable harm.

1 In his motion for reconsideration, McDaniels has failed to present legal authority  
2 that the Court did not already consider when adopting the R&R. The Court already  
3 understands that McDaniels is arguing that he has a constitutional right to a Halal version  
4 of the “metabolic diet,” not a “mainline diet.” McDaniels has also reemphasized in his  
5 motion that (1) he no longer has funds to purchase supplemental food,<sup>1</sup> (2) he has already  
6 consumed all the food that was sent to him by his brother, and (3) he is not receiving  
7 additional food from fellow inmates. By arguing these points in his motion for  
8 reconsideration, McDaniels has indicated that there are less alternative options for  
9 supplemental food than contemplated in the R&R or the Court’s previous order. But none  
10 of McDaniels’s arguments or factual assertions weaken the underlying premise of the  
11 R&R adopted by the Court. *See* Dkt. 163 at 7. (“Although the meat on the metabolic diet  
12 is not Halal, Plaintiff has access to Halal meat . . . [and] any of the diets offered to  
13 Plaintiff provide sufficient calories and satisfy nutritional requirements.”). Accordingly,  
14 Plaintiff has failed to show that the alleged wrongs of Defendants are causing him  
15 irreparable harm.

16 McDaniels has therefore failed to show manifest error in the Court’s prior order,  
17 *see* Local Rules, W.D. Wash. LCR 7(h)(1), and the Court **DENIES** his motion for  
18 reconsideration.

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22 <sup>1</sup> Plaintiff’s statements in his motion suggests that the \$6,000 in his “Hajj fund” is not  
money that is available to him for use at the commissary. *See* Dkt. 175 at 8–9; Dkt. 141 at 3–4.

*Benjamin*  
BENJAMIN

BENJAMIN H. SETTLE  
United States District Judge